

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SALAT SURAW ABDI,

Petitioner,

Case # 19-CV-6156-FPG

v.

DECISION AND ORDER

WILLIAM P. BARR, et al.,

Respondents.

Pro se Petitioner Salat Suraw Abdi brought this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, challenging his continued detention at the Buffalo Federal Detention Facility. ECF No. 1. Respondents have notified the Court that on April 19, 2019, immigration authorities released Petitioner from detention pursuant to an Order of Supervision. ECF No. 3-1 at 1; *see also* ECF No. 6 at 1. Respondents now move to dismiss the petition, arguing that Petitioner's release renders the case moot. ECF No. 3. Because the Court agrees, Respondents' motion is GRANTED.

"[A] case is moot when the issues presented are no longer live or the parties lack a legally cognizable interest in the outcome." *Cuong Le v. Sessions*, No. 17-cv-1339, 2018 WL 5620290, at *2 (W.D.N.Y. Oct. 29, 2018). To the extent a habeas petition challenges only the alien's continued detention, the petition becomes moot once the alien is released from custody pursuant to an Order of Supervision. *See, e.g., Hubacek v. Holder*, No. 13-CV-1085, 2014 WL 1096949, at *1 (W.D.N.Y. Mar. 19, 2014) (collecting cases); *Masoud v. Filip*, No. 08-CV-6345, 2009 WL 223006, at *5 (W.D.N.Y. Jan. 27, 2009) (same). This is because the alien has obtained the relief

sought—“release from [immigration] custody.”¹ *Emeni v. Holder*, No. 13-CV-6404, 2014 WL 347799, at *3 (W.D.N.Y. Jan. 31, 2014).

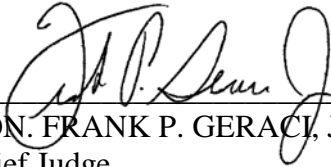
Accordingly, Petitioner’s challenge to his continued detention has become moot in light of his release, and his petition is dismissed. *See id.*

CONCLUSION

For the foregoing reasons, Respondents’ motion to dismiss (ECF No. 3) is GRANTED. The petition is DISMISSED, and the Clerk of Court is directed to enter judgment and close this case.

IT IS SO ORDERED.

Dated: May 17, 2019
Rochester, New York



HON. FRANK P. GERACI, JR.
Chief Judge
United States District Court

¹ In his prayer for relief, Petitioner requests a stay of removal. ECF No. 1 at 11. That request appears to be redundant; Petitioner also alleges in his petition that the Second Circuit has already granted his motion for a stay of removal. *See id.* at 4. Moreover, this Court does not have jurisdiction to stay Petitioner’s removal. *See McRae v. Sessions*, No. 16-CV-6489, 2018 WL 5960858, at *2 (W.D.N.Y. Nov. 14, 2018).